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A N
E N Q U I R Y
I N T O T H E
Present State of Affairs:

And in particular,

Whether we owe Allegiance to the KING in
these Circumstances? And whether we are
bound to Treat with Him, and call Him back
again, or not?

Published by Authority.

L O N D O N :

Printed for John Starkey; and Ric. Chitwell at the
Rose and Crown in St. Paul's Church-yard. MDC LXXXIX.

Printed for John P. ...
No. 122 ...

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E N Q U I R Y
 INTO THE
 Present State of A F F A I R S, &c.

I. **S**INCE the Subject that is now undertaken, is of such vast consequence both to the Quiet of the Nation in General, and to the settling of the Conscience of every man in it, it shall be treated with all possible plainness, and with that simplicity of Stile, which may shew that the Writer intends rather to convince than to amuse or mislead his Reader. It is certain, That the Reciprocal Duties in Civil Societies, are Protection and Allegiance; and wheresoever the one fails wholly, the other falls with it. This is so true, that in the only Government which is founded on the Law of Nature, I mean the Authority of a Father over his Children, if after a long course of rough and barbarous usage, a Father goes about to destroy his Children, they owe him no other regard, but that of a due care of his Person; for since their being was conveyed to them through him, they are for ever bound to preserve that Life which gave beginning to theirs; but as to their Service and Obedience, they are without doubt absolved, when a Father ceases to be a Father by becoming an Enemy. This is much more true with relation to every Form of Political Government, in which there is a mutual tie of Protection and Obedience

dience, according to that System of Government given by *St. Paul* in his Epistle to the *Romans*, chap. 13. in the first seven verses.

Let every soul be subject unto the higher powers : for there is no power but of God. The powers that be, are ordained of God.

2. *Whosoever therefore resisteth the power, resisteth the ordinance of God : and they that resist, shall receive to themselves damnation.*

3. *For rulers are not a terror to good works, but to the evil. Wilt thou not be afraid of the power? do that which is good, and thou shalt have praise of the same.*

4. *For he is the minister of God to thee for good : but if thou do that which is evil, be afraid : for he beareth not the sword in vain : for he is the minister of God, a revenger to execute wrath upon him that doth evil.*

5. *Wherefore ye must needs be subject, not only for wrath, but also for conscience sake.*

6. *For, for this cause pay you tribute also : for they are Gods ministers, attending continually upon this very thing.*

7. *Render therefore to all their dues, tribute to whom tribute is due, custom to whom custom, fear to whom fear, honour to whom honour.*

In these Words we have the Duty of the Magistrate, as well as the Obedience of the Subject, set forth, and so mixt together, that we must conclude, that upon the total failing of the one, the other does likewise cease.

2. I suppose few will dispute the matter of Fact, that the King being pushed on by his Zeal for a Religion that must, by its nature, first deceive, and then destroy us, was subverting this Establishment both with reference to our Religious; and to our Temporal Concerns ; and that as this was carried on a great way, even to the

the Subversion of our Government and Laws, so it must have ended at last in the total Ruin of both, and in the exchanging that Independent Freedom, which is the present Glory, as well as the Security of the Nation, into a Subjection to a Foreign and Antichristian Yoke. This being confessed by those for whom this Paper is written, it were needless, and might seem invidious to set about the proving of it. In a word, That which ought to have been our Security, was become our greatest Danger ; as if the Cannon of a Fort that ought to point at the Enemy, were turn'd on the Inhabitants ; in which case, how absolute soever the Authority of a Governor may be, yet as soon as it appears that the Bulwarks, instead of being the Defences of the City, are become Batteries to ruin it, Nature will lead to a short way of Arguing: And all men will forget that one is their Governour, when they clearly see that he intends to turn their Destroyer.

3. A King's deserting his People, and withdrawing both his Person and his Seals, by which the Peace, Justice and Order of the Nation are preserved, does certainly warrant them to look to their own safety and preservation ; and when they are obliged to do this by ways and methods that are inconsistent with His Authority, and that are so many Crimes if they stood still under any engagements to him, then they must be considered as acquitted from all their ties to him. It is the Great Seal that is the dead Spring of our Government, as the King's Presence, or the Presence of any that are Deputed by him gives life to it: when then this disappears, and the King withdraws himself, without naming any Persons to Represent him, the Government is certainly laid down and forsaken by him. Indeed, if any Eminent present Danger, or just fear (the
a King,

a King can never be decently suspected of that) had driven the King away, it might seem a little too hard to urge this too much. But when a Treaty was set on foot, and when by the Proposals which the Prince had made, and that came to the King the night before he left *Whitehal*, the Power both Civil and Military, the Army, the Fleet, the Forts, and the Revenue, were still left in his Hands, and that the Prince's Army was not to come within 30 Miles of him, and that the Settlement of the Nation was refer'd to a Parliament (which was that which the King seemed to desire, by his public Declaration, tho he shew'd his Averseness by destroying the Writs) and when all that was proposed, that can be called hard, was only the executing the Law against Papists that were in Employments, the giving the City of *London* some quiet from their just Fears, and the assigning the Pay for the Prince's Army ; all this being laid together, it is plain that the King had no just visible cause of fear upon him ; and that therefore the withdrawing himself, was the forsaking of his People, which put them on the necessity of looking to their own safety in the best manner they could.

4. It seems plain, that our Allegiance being our tie to the King, according to the constitution of this Government, it is either entirely dissolved, or it subsists still in its full vigour and force: If it is entirely dissolved, then we are under no obligations to the King ; and if that bond is once untied, so that our Consciences are freed from it, it will be a hard task to persuade men, that they ought to return to it again : If it stands in its full force, then we ought to recall the King, imploring only his Pardon for what is past, without entering upon any previous Treaty, or presuming to offer any Articles to him. If it is said, that the Allegiance,

giance, tho it still remains, yet is under a suspension; as in the Case of an Infant or a Mad-man, in which a Guardian may be necessary for the Administration of the Government, tho the Right and Dignity is still in the Person of the King; and that therefore, tho the King's misguided Zeal may have rendered him unfit to Govern, yet the Title and Dignity of a King ought still to be preserved, even when the Regency may be put in other hands. To this it is to be opposed, That in case of Infancy, or Lunacy, the incapacity to govern is transient in the one, and so pitiable in the other, that this will not afford an Argument in favour of an Incapacity that is affected and culpable: Besides, in those Cases, there is no danger to the Government, by any struggle between the King and the Regent; which cannot be avoided where a King is of Age, and under no other distemper, but that which is the effect of his Religion. In this Case a Contest is inevitable: A King without Power cannot be much at his ease; and his struggle for it must either end in the overthrowing the Regency, if not in the Assassinating the Regent; or in the Imprisonment of the King, which must needs have such fatal consequences, that it is not to be imagined that any of the King's Children, in whom Piety and Nature work, can ever engage into a state of Life that gives them so melancholly a Prospect: Besides, that the Name and Title of *KING* carry a sound with them that strikes the People; And if now, after all the provocation that the Nation is under at present, it is yet thought fit to let the Title and Dignity remain in the King, it will be natural for all men, when that sharpness is over, to soften; and to think that things have been carried too far: And since no Government is secure from Accidents, and free from all the subjects of

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discontent, it is not unreasonable to foresee, that the leaving any Root in the ground, may occasion a new Spring at some distance of time, when past Errors may be forgot, and the present Accidents may give another turn to mens thoughts. We are likewise as much bound by the Oath of Allegiance to maintain the King's State, and all his Prerogatives, as his Title and Dignity. It will look like the condemning our own Actions, to allow him the Honour, and to take from him the Power of a King ; so that if the Oath may be slackened in one Point, I do not see why it must of necessity bind us in another. In a word, we do either too little or too much, if we allow him to be King, and do not likewise vest him with the whole extent of the Royal Authority.

5. In all Settlements, it is very natural for men to look for good Security, especially for those, who being newly come out of a Storm, have the terror of it still on their thoughts ; now what Security can be proposed in any Treaty with the King ? We see what insignificant things Promises and Oaths are, when Popery is in the other Scale ; and to trust any more, is too impudent a Proposition, to apprehend that any one should insist upon it. As for all Limitation by Laws, when that for the Test-Act, which was penn'd with all possible Caution, has been broke through by a pretended Dispensing Power, it is a vain thing to trust such Remedies, against an ungovern'd Zeal, which when whetted with Resentment must act with so much the more Rigor and Fury. We have also many Instances in our own time, to shew us how little regard is to be had to all the Offers that are made in general Terms, in order to the gaining of a great Point, which being once gained, those Offers are no more thought of.

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To make way for the late King's Restauration, nothing was so much talked of, as the Terms on which he should be restored, but the Point was no sooner gain'd than the Terms were not only forgot; but all things were carried higher than before. And a few years ago when the Nation was set on the Bill of Exclusion, all those who opposed it were framing Schemes of limiting a Popish Successor; but that Storm was no sooner weather'd, than a Party was form'd that carried their Victory so far, that instead of Limitations, all the chief Securities and Fences of our Government were thought the only proper Sacrifice to atone for the guilt of attempting the Exclusion. So if a Treaty were once opened, and the King were to be brought back again, on what terms soever it might be, we should probably see the whole design of Popery and Arbitrary Government return upon us with more fury than ever: and we should find our selves in no possibility of resisting it, or being redeemed from it; for this Deliverance was no such easy Performance as to make us think that such another could ever be compassed, or that God will work new Miracles for our Preservation, after we had thrown our selves back into that miserable Condition out of which he has rescued us.

6. If it be insisted on that the Oaths of Supremacy and Allegiance are conceived in such terms, that there is no breaking thro' them; and that we have sworn that we shall never take Arms against the King; that we have renounced the Position, as traitorous, of making a distinction between the King's *Person* and his *Power*; in short, that we are under the most express ties that can be put in words, never to rebel against the King, nor to shake off his Authority. To all this it is to be answered, That the end and design of those Oaths was

to secure us against the danger of Popery, as any one may see in the Acts by which they were imposed: And tho all these Oaths are still to the King; yet that is to a Prince who subsists upon Law, and rules by Law; and therefore if the King ceases to be King, by subverting our Constitution first, and deserting us next, then all our Oaths fall to the ground: as the Matrimonial Oath, tho made for term of Life, yet is capable of being dissolved, when that which is the Essence of the Bond is broke. And if the King ceases to be a King, then the *next Heir becomes the only lawful and rightful King*: and if the next is a *Femme Covert*, then by the Law of Nations, which creates a Communication of all the Rights of the Wife to the Husband, this is likewise communicated, so that here we may have still a *lawful and rightful King*. And after all, it is plain that if any diminution of the Regal Authority be imposed on the King, as the condition upon which only he can be admitted, this very Imposition is as real a breach of the Oath, as a total shaking him off. This makes a vast difference between the King's *Person* and his *Power*, tho that is a Point expressly renounc'd in the Oaths that we swear; so that it is plain after all, that if the Oath of Allegiance binds us still, it binds us to a great deal more than those that are fortreating seem willing to allow.

7. All the Schemes that may be offered of securing us by a Treaty with the King, have such visible Defects in them, that Men who are accustomed to examine things, cannot be deceived by them. We have had it given for Law of late, too often to forget it, that all Acts of Parliament that are to the *Disberison of the Crown*, are null and void of themselves: So here all the Securities that can be offered us, are swept away at once. We can have no legal Parliament without swearing
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ing first the Oath of Allegiance to the King; and what a scorn is put on God and Religion if one swear this Oath to the King after he is reduced to that naked State to which these Treaters pretend to bring him. Nor can the Nation have any Security by Law, either for what is done, or for what may remain yet to be done, but by Acts that are pass'd by *King, Lords, and Commons*. Men are to be pardoned if they are uneasy, till they have the utmost Security that the Constitution can give them. And after all whosoever is the *King for the time being*, he has the Law so entirely of his side, that tho during the present Fermentation the force of this is not perceptible, yet it is a Cruelty not to be easily forgiven to keep a Nation too long in so dangerous a Condition.

8. But after all some Men plainly say, *the King can do no Wrong*, that his Ministers are only accountable for all the Ill he had done; and that the Prince in his Declaration has laid the Blame of all that for which he engaged in this great Design on the evil Counsellors about the King, on whom the Punishment ought to fall, and not on the King himself, whose Person is exempt from Censure. To all which this is to be answered, that the Maxim, *The King can do no Wrong*, is perverted to a sense very different from that which was at first intended by it; for the meaning of it is only this, That the King's Power cannot go so far as to support him in the doing of any Injustice or Wrong to any, according to that Chapter in *Magna Charta*, by which all Commissions granted against Law, are declared to be null and void: for this is the true meaning of that Maxime. But there is no reason to carry this so far as that if Kings will strain their Authority visibly, to do the highest Wrongs possible, they were in no way accountable for it. Whatsoever has been done in Parliam-

ment, and has never been condemned by any subsequent one, is a part of the Law of *England*, since then two of our Kings, *Edward* the 2^d, and *Richard* the 2^d, have been judged in Parliament for their Mal-Administration, and since these Judgments have never been vacated by any subsequent Parliaments, those proceedings are a part of our Law. And though perhaps there have been more express Definitions made of late in Favour of the Crown than ever were in former times, yet as long as those Proceedings remain upon Record, it is plain that this great Right of the English Nation of preserving it self in cases of extream Necessity, against the violent Invasions that the Crown may make upon it, is still entire and in force. But after all it will be readily yielded, that as the Life of a Father is never to be attempted on by his Children, how great soever their Provocations may be; so the King being made the Political Father of the Country, his Person ought still to be sacred. But when the Root of the King's overturning our Laws is his being so entirely devoted to his Religion, and to the Order of the Jesuits, how decent soever it might be for the Prince to lay the Blame of all on his evil Councillors, yet it will be an unreasonable Piece of Tendernefs in the Representative of the Kingdom not to lay the Blame of things where it ought to be laid.

9. Either all thoughts of treating with the King, or all Enquiries into the Birth of the pretended Prince of *Wales* are to be laid aside. The King has gone so far in what he has averred, with relation to that matter, that it is impossible to judg it an Imposture without giving him a large share in it; and no Man can think that it is possible to maintain the common Decencies of Respect to the King, if any steps are

are made in that matter : for even an Enquiry into it is the calling his Honour into question, in so sensible a point that no Man that can make a Discovery is safe to make it, nor are any safe who pretend to examine it, as long as there are any thoughts of treating with him ; which will never be believed to be quite laid down, as long as the Title of King is acknowledged to be still in him. Men that condemn the Errors in Government committed by him, may flatter themselves with the possibility of his pardoning them ; but there is no Mercy where the Matter is personal, in which his Honour is so immediately concerned, and where a Judgment against the Child casts so black and so indelible a Stain on himself.

10. If Articles are prepared to be offered to the King, they will be either such as he will probably grant, or such that it cannot in reason be expected that he should grant them. The former is not to be supposed ; for such a stripping himself of Power, as seems necessary to give us any tolerable Security, is that which we ought not to imagine he will grant : and it will appear to the World a triumphing over him in his Misfortunes, if we make a shew of treating with him, when it is visible before-hand that the Demands which must be made him are such, that he cannot in Honour grant them, nor we in Reason expect them from him. When Matters are brought to that pass at which they are at present ; it is more suitable to the Dignity and Wisdom of the Nation to act frankly and above-board, than to think to varnish them over with some outward Appearances. In such cases, any other way of proceeding has not that Air of Greatness and Openness which is necessary upon such occasions. A great deal of time will be lost in preparing the Propositions

positions, and a Treaty being once entertained, many may be practised on, and either be corrupted or destroyed. And perhaps the half of the Articles will be drop'd in the Treaty, or the whole will be given up by the King in less time than was imployed in preparing any one of the Articles. The very talk of a Treaty will keep the Minds of many in Agitation and suspense: Some that are now desperate with relation to the King, may enter into a separate Treaty with him: and an inconstant Multitude will be too much tempted to run as fast to him as ever they shewed Zeal against him. That these are not imaginary Dangers is visible to all that have conversed much in History, or have observed the varieties of Mens Thoughts with relation to publick Affairs, and considered how little is to be built on any present Heats, how fervent and how universal soever they may seem to be, and how soon a Nation may be apt to run even out of one Extream into another, and therefore the keeping thing still in a loose and unsettled State is the hazarding the whole matter, and the running the risk of a Relapse, which will be much more dangerous than the former Disease was, unless the King of *France*, who has the King now in his Power, will be pleased to mediate for us, out of his tried Love to us and our Religion.

11. The clear and natural method of proceeding upon this Occasion, is, First, To state this Nation as a Protestant Kingdom, that is incompatible with Popery or a Popish King; of which Opinion many were before the King came to the Crown; and he has so managed the Matter since, that he has convinced the whole Nation of it at last. Here a view may be taken of the Course of his Government, in those things that have been Notorious and Publick, without entring into such
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Specialties as will need proof, and by consequence take up time ; and in conclusion it is to be set forth, that he has quitted the Realm in a Storm, and has left the Nation to shift for it self ; and has both deserted the Government in general, and abandoned even those who had stuck to him, and were ready to have sacrificed all for him in particular. And that the last Act of his Authority might be long remembred, he ordered his Army to be disbanded ; which (since it was to be done without paying or disarming the Souldiers) was the letting loose of so many Armed Men, under the greatest temptation to live like *Banditti* and Robbers in the Nation. Upon all this it is natural to declare the Throne void ; and that the King has fallen from all Right to it. In all that I have said concerning his Desertion, I limit my Reflections to his first leaving of *Whitehall* ; for the Accident at *Feversham*, and what followed after that, cannot be called a Return to his People ; and since the Seals never appeared, and the King never spake of a Parliament, nor altered his Measures in any thing, but still prosecuted his first Design by his second Escape, his deserting is still to be dated from his first going from *White-Hall* ; and he having given that just Advantage against himself, which came after all that series of Injustice and Violence that had gone before it, no Man can think that it was not very fitting to carry it as far as it would go, and not to treat with him any more upon the foot of acknowledging him King.

12. When all this is laid together, it is not to be supposed, that considering Men can be shocked with those Prejudices that arise, rather out of the sound of some ill understood Words, than out of any real and forcible Arguments, and it can least of all be imagined, that
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the great and learned Body which has so triumphed over Popery in their late Contests with it, should now let themselves be so misled with the narrow Notions of an unbounded Loyalty, as to oppose or even dislike such a compleat Settlement, as the present Exigence of our Affairs requires. Their Worth, the Courage that they shewed against Popery, and their Readiness to have been made Sacrifices in that noble Resistance which they both made and maintained to the last, has indeed raised them above Censure, and all severe Imputations. But it cannot but lessen the Esteem that is due to any, though it does not detract from their Worth, if they will still pursue a point that is liable to such great and just Exceptions. No Body can think they are in Love with Popery, or fond of coming again under Father *Peter's* Ministry: but Men that see through all the Reasons that are offered for Treating, and foresee the fatal Consequences that must attend it, will be tempted to think that some Men, either have not strength of thought enough to examine this whole matter more impartially, or that having once declared themselves of a contrary Opinion, they cannot conquer Nature so far, as to do that which will import a Confession of their once having been in an Error.

F I N I S.